

2-21-02

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

AT

FILED
02 SEP 16 AM 9:18
DIVISION OF ADMINISTRATIVE HEARINGS

EDDIE L. SWINSON,

EEOC Case No. NONE

Petitioner,

FCHR Case No. 95-1100

v.

DOAH Case No. 01-4315

DWD-CDS

CDR SYSTEMS CORPORATION,

FCHR Order No. 02-037

Respondent.

FINAL ORDER DISMISSING PETITION FOR
RELIEF FROM AN UNLAWFUL EMPLOYMENT PRACTICE

Preliminary Matters

Petitioner EDDIE L. SWINSON filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (1995), alleging that Respondent CDR SYSTEMS CORPORATION committed an unlawful employment practice on the basis of Petitioner's race (Black) when it terminated Petitioner from his position.

The allegations set forth in the complaint were investigated, and, on September 14, 2001, the Executive Director issued his determination finding that there was no reasonable cause to believe that an unlawful employment practice had occurred.

Petitioner filed a Petition for Relief from an Unlawful Employment Practice and the case was transmitted to the Division of Administrative Hearings for the conduct of a formal proceeding.

An evidentiary hearing was held in Palatka, Florida, on January 29, 2002, before Administrative Law Judge Don W. Davis.

Judge Davis issued a Recommended Order of dismissal, dated February 21, 2002.

The Commission panel designated below considered the record of this matter and determined the action to be taken on the Recommended Order.

Findings of Fact

We find the Administrative Law Judge's findings of fact to be supported by competent substantial evidence.

We adopt the Administrative Law Judge's findings of fact.

Conclusions of Law

We find the Administrative Law Judge's application of the law to the facts to result in a correct disposition of the matter.

We adopt the Administrative Law Judge's conclusions of law.

Exceptions

Neither party filed exceptions to the Administrative Law Judge's Recommended Order.

Dismissal

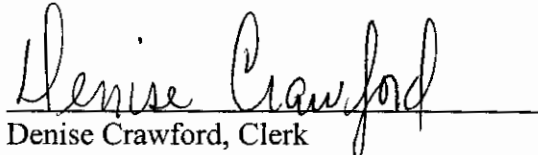
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

The parties have the right to seek judicial review of this Order. The Commission and the appropriate District Court of Appeal must receive notice of appeal within 30 days of the date this Order is filed with the Clerk of the Commission. Explanation of the right to appeal is found in Section 120.68, Florida Statutes, and in the Florida Rules of Appellate Procedure 9.110.

DONE AND ORDERED this 13th day of September, 2002.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Keith Roberts, Panel Chairperson;
Commissioner Juan Montes; and
Commissioner Aletta Shutes

Filed this 13th day of September, 2002,
in Tallahassee, Florida.



Denise Crawford, Clerk
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Don W. Davis, Administrative Law Judge, DOAH

Miles Lance, Legal Advisor for Commission Panel